

October 26, 2021

Ms. Dianne Martin
Chairwoman
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Mr. Jonathan A. Evans
Presiding Officer
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Re: SEC Docket No. 2021-02 Response to Antrim Wind Letter of October 25, 2021

Dear Chairwoman Martin and Presiding Officer Evans:

I am writing in response to Mr. Needleman's letter of October 25, 2021. It is not my intent to litigate this important matter by letter, however, Mr. Needleman's statements suggest an apparent confusion on his part about what the record shows. I am compelled to set the record straight as quickly as possible.

Site 301.18 requires two noise studies to be conducted and reported on as part of the facility application. The first is the preconstruction background sound monitoring which measures how quiet the unbuilt project site is after all transient sounds are removed. Background surveys are typically conducted using 10-minute averaging, however hourly averaging can be used.¹ The second study involves predictive modeling where the project proponent presents a best estimate of the maximum sound levels that will be produced by the operating facility. Site 301.18(c)(3) requires a modeler to predict "worst case wind turbine sound emissions during the hours before 8:00 a.m. and after 8:00 p.m. each day."

Mr. Needleman's focus on background sound monitoring is misplaced since background sound levels are entirely independent of, and irrelevant to the Subcommittee's Charge 1. My letter of September 21, 2021 highlights the admission by Antrim Wind that its prediction model assumed one-hour averaging. This admission is directly related to the Subcommittee's Charge 1.

To my knowledge, Antrim Wind's Sound Level Assessment² (Docket 2015-02) *never discloses* the use of one-hour averaging in determining the predictive sound levels for the facility. Further, Antrim Wind's sound consultant omitted any reference to a compliance interval (1-hour) for the predictive sound model from the entirety of his Docket 2015-02 sworn testimony, both written and oral. Throughout the 2015-02 adjudicative proceeding, Mr. O'Neal asserted repeatedly, and without qualification, that the sound levels from the operating facility would never exceed 40 dBA.³ There is no point in the 2015-02 record that I can find where Mr. O'Neal offered that his predictions assumed that the facility's sound levels would be

¹ See ANSI Standard 12.9 Part 3 at Section 6.7.1 (stating: "*The basic data collection procedure requires measurement of the continuous background sound for 10 min or more.*")

² Sound Level Assessment Report – Antrim Wind Energy Project at 5 https://www.nhsec.nh.gov/projects/2015-02/application/documents/2015-02_2016-02-19_att09_updated_noise_rpt.pdf

³ *Id.* at 1-1 (Stating: "*The worst-case sound levels will be less than 40 dBA at any residence.*")

averaged over an hour.⁴ Sound measurements taken at the Berwick property clearly show the Berwicks are experiencing turbine sound levels that are well above 40 dBA.⁵

In his letter, Mr. Needleman confuses my reference to *pre-construction predictive modeling* with *preconstruction background sound monitoring*. He also appears to misunderstand the significance of his own dialogue with Subcommittee member Duclos. The central question asked by Mr. Duclos on August 18 was this: “[w]as there ever any type of comment, I didn't find it, anyway, about that [the one-hour averaging] being the standard or not being the standard. That's just what was submitted to figure out what the maximum decibels that would come off the facility right?” Mr. Needleman replied “Yes.”

It is the predictive modeling that is used to determine the “maximum decibels that would come off the facility.” The “astonishing admission” is that Antrim Wind confirmed its predictive modeling assumed 1-hour averaging.

I will not respond to the various references cited in Mr. Needleman’s letter as they all refer to the background sound study which is not in dispute. If Mr. Needleman could provide a reference from the Docket 2015-02 record where Antrim Wind, or Mr. O’Neal, admits that the pre-construction noise predictions (Predictive Sound Model) assumed 1-hour averaging, I believe that information would be helpful to all parties to this docket.

Finally, Mr. Needleman’s statement that the Subcommittee “expressly determined that [] one-hour averaging is acceptable for conducting post-construction noise compliance monitoring” is self-serving, vague, and not reflective of Subcommittee’s actual recommendation. Paragraph 47 of the Subcommittee’s recommendation states that the SEC rules contain no reference to a 1-hour compliance interval. The ANSI Standard makes no attempt at defining a compliance interval of any length. While, in the most general sense, any time period might be used as a compliance interval, the question before the SEC is what its rules state for a compliance interval. The Subcommittee left that question unanswered.

Thank you for the chance to respond. I encourage the SEC to read the October 18, 2021 comments⁶ jointly submitted by Ms. Linowes and me. Our comments include a transcript of the Subcommittee’s deliberation on its Charge 1 recommendation. Please let me know if you have any questions.

Sincerely,

Lori Lerner
Bridgewater, NH

⁴ Transcript Docket 2015-02 (Day 4/Morning Session) September 22, 2016 at 67-115

⁵ Rand Acoustics LLC Letter. July 29, 2021. https://www.nhsec.nh.gov/projects/2021-02/public_comments/2021-02_2021-07-29_rand_complianc_assessment.pdf

⁶ Public Comments of Lori Lerner and Lisa Linowes, October 18, 2021. https://www.nhsec.nh.gov/projects/2021-02/public_comments/2021-02_2021-10-18_comment_lerner_linowes_subcommittee_recomm.pdf